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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,931	05/13/2005	Shunpu Li	05-372	3671
20306 7590 05/21/2009 MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER				
BROWN IL, DAVID N				
ART UNIT		PAPER NUMBER		
1791				
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05/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,931

Applicant(s)

LI, SHUNPU

Examiner

DAVID N. BROWN II

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 4/28/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0042027 (Chou).

Chou teaches "Onto the substrate 31 is layered a material 33, which, in the preferred embodiment, is a thin layer of a homopolymer, preferably polymethyl-methacrylate (PMMA). The PMMA was first spun on substrate 31, in this case, a silicon wafer having a substantially plain flat surface, followed by baking at 80° C. to drive out the solvent. [0035]." Chou also teaches "But, with a mask 35 placed a certain distance above the surface of the PMMA film 33, after the same heat-cool cycle, the initially flat PMMA film 33 became self-assembled into periodic supramolecular pillars 49 shown in FIG. 1. [0037]."

Claims 2 and 5:

In addition to being a substrate, the wafer made of silicon, is a semiconductor.

Claim 3:

PMMA is used.

Claim 7:

Chou teaches "As is described more fully herein, the thin film or surface layer(s) preferably has a thickness in the range of about 1 nm to about 2,000 nm, more preferably about 10 nm to about 1,000 nm, more preferably about 100 nm to about 500 nm and even more preferably about 50 nm to about 250 nm. [0013]."

Claim 27:

The product produced in the process of Chou has undergone an annealing step (baking at 80° C) and a stress-inducing step. Therefore it is taken to be such a template.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of US 6,060,556 (DePuydt).

Chou does not teach the use of germanium. Claim 6 of Chou reads "The method of claim 5, wherein the substrate is selected from the group consisting of semiconductors,

dielectrics, metals, polymers and combination thereof." Therefore Chou envisions the use of other semiconductors. Germanium is a known semiconductor material. DePuydt teaches "A semiconductor is typically defined as a material having an electrical resistance greater than a metal, and generally in the range from 10.sup.-2 ohm-cm to 10.sup.9 ohm-cm. In some embodiments, the semiconductor can be selected from the group of germanium, silicon, and combinations thereof. Some particularly preferred combinations of first and second materials 46 and 48 include silicon/aluminum, germanium/aluminum, germanium/gold. (column 6 lines 13- 19). Thus the substituted semiconductor materials would be expected to perform as equivalents. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute germanium for silicon motivated by a desire to use another semiconductor.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou as applied to claim 1 in view of US 5,772,905 (Chou1).

Chou teaches "U.S. Pat. No. 5,772,905 describes a method and apparatus for performing ultra-fine line lithography wherein a layer of thin film is deposited upon a surface of a substrate and a mold having at least one protruding feature and a recess is pressed into the thin film. [0007] An alternative strategy to those described above is to use a 'naturally occurring' or 'self-assembly' structure as a template for subsequent parallel fabrication. [0008]" US 5,772,905 (Chou1) teaches " FIG. 4 is a scanning electron micrograph of a perspective view of the strips formed by compressive molding into a PMMA film as shown in FIG. 1C. The strips are 70 nm wide and 200 nm tall, and

have a high aspect ratio, a surface roughness less than 3 nm, and corners of nearly a perfect 90 degrees. (Chou1 column 2 line 66- column 3 line 4)

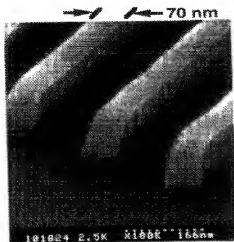


Fig. 4

It would have been obvious to one having ordinary skill in the art at the time of the invention to use this strategy motivated by a desire to use an alternative strategy for fabricating patterns. Also, figure 13B of Chou shows the "Princeton" pattern. Figure 4 of Chou1 shows the parallel groove pattern. Chou teaches in [0064] that "Princeton" was an arbitrary pattern. It would have been obvious to one having ordinary skill in the art to substitute the pattern of Chou1 for the arbitrary "Princeton" pattern of Chou motivated by a desire to change the design.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou as applied to claims 1 and 2 above, and further in view of US 6,323,108 (Kub).

8. Chou does not teach that the semiconductor layer is 10nm thick. Instead Chou teaches "We found that the materials (for the mask and substrate) and the parameters (e.g., the protrusion height, polymer thickness, polymers molecular weight, gap, etc.) are not very critical to LISC. LISC can be formed over a wide range of these

parameters. [0063]" Kub teaches "Ultra-thin (<10 nm) substrates, including silicon-on-insulator (SOI) substrates, are desirable for many technologies including extreme scaling of MOSFET transistors, dual-gate MOSFETs, quantum wires and dots, and compliant or universal substrates. (column 1 lines 13-17)" Kub also teaches "Ultra-thin semiconductor layers are required for compliant substrates. In structures with a compliant substrate, the ultra-thin semiconductor layer will expand or contract as a heteroepitaxially layer is grown on the surface of the ultra-thin semiconductor layer so that defects, if created, will reside in the ultra-thin semiconductor layer. (column 2 lines 40-45)" Chou teaches using a silicon substrate. It would have been obvious to one having ordinary skill in the art at the time of the invention to use an ultra-thin semiconductor layer upon a substrate motivated by a desire to form nanostructures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID N. BROWN II whose telephone number is (571)270-5497. The examiner can normally be reached on Monday-Thursday 7:30a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on (571)-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAVID N. BROWN II/
Examiner, Art Unit 1791

/Joseph S. Del Sole/
Supervisory Patent Examiner, Art Unit 1791